



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

440 West 200 South, Suite 500

Salt Lake City, UT 84101

<http://www.blm.gov/ut/st/en.html>



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DIV. OF OIL, GAS & MINING

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DECISION

Foster Wilson	:	Potash Prospecting Permit
14605 Geronimo Trail	:	Applications
Reno, Nevada 89521	:	UTU-90886 to UTU-90895

Potash Prospecting Permit Applications Rejected Cases Closed

On October 22, 2014, you filed 10 prospecting permit applications (PPAs) with the Bureau of Land Management (BLM) Utah State Office for 23,925.52 acres of public lands in Box Elder County north of Wendover, Utah, in the Pilot Valley. Activities on the relevant public lands in Pilot Valley must be undertaken in accordance with the Box Elder Resource Management Plan (RMP). The BLM has carefully considered your applications in light of the existing RMP and the resource values present in Pilot Valley.

The proposed prospecting area is within one (1) mile of a “high potential route segment” of the California National Historic Trail (NHT), which was designated by Congress in 1992 after the BLM’s adoption of the RMP. The BLM’s mineral evaluation report of the potash deposit in Pilot Valley concludes that, given the geology of the deposit, prospecting wells would have to be drilled in the vicinity of the trail segment to properly characterize the deposit. The BLM has determined that before considering whether prospecting may take place on the Pilot Valley playa, it is in the public interest to undertake a land use plan amendment process for the RMP so that the BLM may carefully consider, with full public input, the potentially competing resource values and uses in the area and establish appropriate land management prescriptions for the subject lands in light of Congress’ designation of the NHT. Further, allowing prospecting to go forward without engaging in this process may lead to unwarranted or misplaced expectations.

The National Trails System Act of 1968 established policies for the management of the National Historic Trails, and states that “*other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access*

opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.” As mentioned, Congress designated the California NHT in 1992, subsequent to the adoption of the Box Elder RMP. The National Park Service completed a Comprehensive Management Plan (CMP) for the trail in 1999. The segment of the NHT located in the proposed project area is known as the Hastings Cutoff and is well-recognized in historical documentation as the route taken by the infamous Donner-Reed Party in 1846. The proposed prospecting would be within the vicinity of this “high potential route segment,” where little to no modern development is visible from the trail. The 1999 CMP identified the trail segments within the proposed project area as “high potential route segments” and identified two “high potential historic sites” in the vicinity. The trail segments must be managed in accordance with the new standards established in the 2012 BLM National Scenic and Historic Trails Management Manual (6280).

In addition, the governing RMP does not adequately consider the implications of large-scale mineral leasing and development to the NHT and associated values. Although the RMP currently authorizes mineral leasing and development in the area, the RMP and its environmental impact statement was prepared with no consideration of the impact of mineral leasing and development to the NHT and the values identified by Congress in designating it. Before prospecting takes place that may lead to mineral leasing and development in the subject area, the BLM has determined that it would be in the public interest to undertake a land use plan amendment process and supporting environmental analyses that include consideration of mineral leasing and development in light of the NHT’s designation.

The BLM planning regulations at 43 CFR § 1610.5-5 state that plan amendments shall be initiated to consider, among other things, a change in circumstances that may affect land use allocations. Congressional designation of the NHT constitutes a change in circumstances that could change land use allocations in Pilot Valley. The Box Elder RMP does not currently address the uses or allocations that are allowable, restricted, or prohibited on public lands in view of the presence of the trail resource. Engaging in further land use planning is therefore appropriate to ensure that the RMP takes into account the purposes of the National Trails System Act and the BLM’s policy regarding national scenic and historic trails management.

Decision

For these reasons, and in accordance with the authorized officer’s discretionary authority in 43 CFR § 3505.50(a), I find that it is in the public interest to reject the prospecting permit applications listed above in their entirety.

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842.1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21)(58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

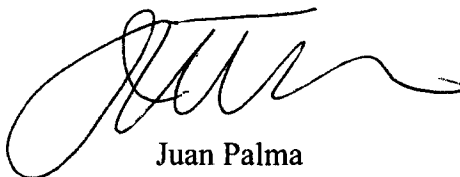
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions concerning this decision, please contact Kevin Oliver, BLM West Desert District Manager at (801) 977-4310

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Palma', with a stylized, flowing script.

Juan Palma
ACTING State Director - Utah

Enclosure:

1. Form 1842-1

cc: West Desert District Manager (UTW00)

Lynn Kunzler, Leslie Heppler UDOGM